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EXAMINER	
CHOW, CHARLES CHIANG	
ART UNIT	**PAPER NUMBER**
2685	16 & 17

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/652,793	GINIGER ET AL.	
	Examiner	Art Unit	
	Charles Chow	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,4,8-14,16-23 and 48-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,4,8-14,16-23 and 48-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *5/18/2004*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Office Action for Applicant's Amendment Received on 3/26/2004

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 48 is rejected under 35 U.S.C. 102(e) as being anticipated by Alesio (US 5,550,551).

Regarding **claim 48**, Alesio teaches a mobile communication device (vehicle monitoring system 100 of vehicle 102) for selectively reporting position information (transmitting current position signals indicative of the location of the vehicle, col. 2, lines 21-34, selectively activated and deactivated by remote transmitter 106, col. 3, line 66 to col. 4, line 1; switch, cellular telephone, pager in col. 4, lines 25-36) comprising a receiver (satellite receiver 208) configured to receive position signals (receiving satellite signals from GPS satellites 110a-110c for determining position, col. 5, lines 1-5, Fig. 2); a processor (microcomputer 204) coupled to said receiver and responsive to the position signals to determine position information indicative of a present position of the mobile communication device (204 accesses satellite receiver 208 to determine the current position of the vehicle 102, col. 5, lines 19-31), a modulator/demodulator configured to transmit the position information to a destination over a communication network (demodulator in receiver 208, modulator in transmitter 212, Fig. 2, for transmitting current position to remote dispatch

center 112, col. 4, lines 14-19; col. 5, lines 34-40); and a position reporting enabling unit (mechanical switch, or remote transmitter 106, or cellular telephone, for activating monitoring unit 108 for transmitting current position signal, col. 4, lines 11-21; remote transmitter 106 to activate and deactivate 108, col. 3, line 66 to col. 4, line 10) configured to selectively enable and disable transmission of the position information which said mobile communication device is operational (the 108 is selectively activated by the encoded information or vary the range limit for selectively enable the transmitting of current position in col. 4, lines22-35, when vehicle moves out of the range limit in col. 4, lines 14-18).

2. Claim 68 is rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Yehezkel et al. (US 6,049,711).

Regarding **claims 68**, Ben-Yehzkel et al. (Ben-Yehzkel) teaches a mobile communication device (110/118-125, Fig. 1) for use by a mobile user (110) comprising an input device configured to receive from an operator a selection signal indicative of a topic of interest (the data entry device 125, command from interface 114, col. 4, line 65 to col. 5, line 4, the keypad on 118, 120, PDA in Fig. 1 for entering user's requested location related information), means for sending the selection signal over a bi-directional wireless link from the mobile communication device (the transmitting from subscriber unit of an information service request and a location signal, abstract, over the wireless link in col. 5, line 32-35; col. 7, lines 45-50; col. 10, lines 29-32; the subscriber unit communicating with wireless network 128 for location based information in Fig. 2; col. 5, lines 14-42), means for receiving position related information that is a function of the present position information and at least one user selected signal (the location based information services, in col. 1, lines 7-11, is a function of

present location for providing requested information service; the information processor 150 generates information service messages based on the location of the subscriber unit 110 in col. 5, lines 59-65; the retrieving of database information for user request based on the current subscriber unit location in col. 11, lines 39-58); and output means for providing the position related information to mobile user (transmitting information service message to subscriber unit on forward channel in col. 11, lines 54-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3-4, 8, 55, 65-67, 69-70, 72, 74-78, 80-81, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel-'711 in view of Salimando (US 5,561,704).

Regarding **claim 3**, Ben-Yehzkel teaches a mobile communication device (110/118-125, Fig. 1) for use by a mobile user (110) comprising an input device configured to receive from an operator a selection signal indicative of a topic of interest (the data entry device 125, command from interface 114, col. 4, line 65 to col. 5, line 4, the keypad on 118, 120, PDA in Fig. 1 for entering user's requested location related information), means for sending the position information); and means for sending position information of the mobile communication device and the selection signal over a bi-directional wireless link (the transmitting from subscriber unit of an information service request and a location signal in

abstract; over the wireless link in col. 5, line 32-35; col. 7, lines 45-50; col. 10, lines 29-32; the subscriber unit communicating with wireless network 128 for location based information in Fig. 2; col. 5, lines 14-42); and means for receiving position related information that is a function of the position information and the selected signal (the location based information services, in col. 1, lines 7-11, is a function of location ion for providing requested information service; the information processor 150 generates information service messages based on the location of the subscriber unit 110 in col. 5, lines 59-65; the retrieving of database information for user request based on the current subscriber unit location in col. 11, lines 39-58); and output means for providing the position related information to mobile user (transmitting information service message to subscriber unit on forward channel in col. 11, lines 54-58). Ben-Yehezkel does not clearly teach of the sending of present position information of the mobile communication device for location related information service. However, Salimando teaches the above claimed features and the determining of the mobile user vehicle position using GPS, for a remote caller in a mobile vehicle requesting location related information service, having the mobile vehicle determines its location, longitude and latitude and mobile vehicle transmits caller's location and service requirements wirelessly to a remote directory station for obtaining locations, telephone number, of service providers in the area of the caller (abstract, Fig. 1, gas, food, road-side assistance travel directions in Fig. 2; col. 2, lines 56-67), the remote user's geographic location is determined by GPS (col. 2, lines 40-44; at the caller station 10, the caller determines the position of the vehicle he occupies in col. 3, lines 15-27), the transmitting mobile user's geographic location and user's preference for goods or service to information processor and to database (col. 4, lines 45-50),

the determining the mobile user's location (col. 4, line 64 to col. 5, line 3), the examples of location information services (col. 3, line 48 to col. 4, lines 24). Salimando teaches the improved technique for efficiently providing user's location service information by transmitting determined mobile user's location with user's preference request to central database processor for efficiently providing roadside assistance information of a closest service provider to user (col. 1, lines 11-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel and to include Salimando's determining of the present mobile user's location and transmitting the determined location with user's preference request of location related information service, such that the user could efficiently obtain the desperate location related information during vehicle traveling, by determining user's longitude, latitude, and transmitting the determined location data with user's preferred request to central database processor.

Regarding **claim 4**, Ben-Yehezkel has taught above the plurality of point-of-interest POIs (traffic report, piece of mind location information, electronic yellow page, point to point routing, roadside assistance, emergency service from TMIS of the Teletrac system in col. 3, line 66 to col. 4, lines 34).

Regarding **claim 8**, Ben-Yehezkel teaches in Fig. 1, keypad input entry device to cell phone 118, computer 120, data entry device 125, and user interface 114.

Regarding **claim 55**, Ben-Yehezkel teaches a receiver configured to receive position signals (the receiver at receive sites (108, Fig. 1), a processor couple to the receiver and responsive to the position signals to determine the present position information indicative of a present position of the mobile device (the transmitting of a location signal from the subscriber unit ot

at least the receiving sites in the defined time slot for locating the subscriber unit from the time difference of arrival of the location signal, col. 2, lines 53-58).

Regarding **claims 65**, Ben-Yehezkel teaches a method of receiving position related information (the location based information service in title, the services are provided for, such as traffic report, electronic yellow page, roadside assistance, list of points of interest in col. 3, line 59 to col. 4, line 34) via a mobile communication device (subscriber 110/118, 120-125, Fig. 1) comprising (a) supplying a selection signal indicative of a topic of interest to the mobile communication device (the user may request the closest point of interest from the current location in col. 4, lines 14-16; the user may select a category or su-category and then request the closest location in col. 4, lines 21-24; the information service requesting for a quickest way to travel from present location to another location in col. 8, lines 14-25), (b) sending position information of the mobile communication device and the selection signal over a bi-directional wireless link from the mobile communication device (the transmitting from subscriber unit of an information service request and a location signal, abstract, over the wireless link in col. 5, line 32-35; col. 7, lines 45-50; col. 10, lines 29-32; the subscriber unit communicating with wireless network 128 for location based information in Fig. 2; col. 5, lines 14-42); and (c) receiving over the bi-directional wireless link position related information that is a function of the present position information and the selected signal (subscriber unit communicates with TMIS via wireless network 128 for location based information service in col. 5, lines 14-43, Fig. 2; the location based information services, in col. 1, lines 7-11, is a function of present location for providing requested information service; the information processor 150 generates information service messages based on the

location of the subscriber unit 110 in col. 5, lines 59-65; the retrieving of database information for user request based on the current subscriber unit location, and transmitting information service message to subscriber unit on forward channel in col. 11, lines 39-58). Ben-Yehezkel does not clearly teach of the sending of present position information of the mobile communication device for location related information service. However, Salimando teaches this claimed features for a remote caller in a mobile vehicle requesting location related information service, having the mobile vehicle determines its location, longitude and latitude and mobile vehicle transmits caller's location and service requirements wirelessly to a remote directory station for obtaining locations, telephone number, of service providers in the area of the caller (abstract, Fig. 1, gas, food, road-side assistance travel directions in Fig. 2; col. 2, lines 56-67), the remote user's geographic location is determined by GPS (col. 2, lines 40-44; at the caller station 10, the caller determines the position of the vehicle he occupies in col. 3, lines 15-27), the transmitting mobile user's geographic location and user's preference for goods or service to information processor and to database (col. 4, lines 45-50), the determining the mobile user's location (col. 4, line 64 to col. 5, line 3), the examples of location information services (col. 3, line 48 to col. 4, lines 24). Salimando teaches the improved technique for efficiently providing user's location service information by transmitting determined mobile user's location with user's preference request to central database processor for efficiently providing roadside assistance information of a closest service provider to user (col. 1, lines 11-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel and to include Salimando's determining of the present mobile user's location and transmitting the

determined location with user's preference request of location related information service, such that the user could efficiently obtain the desperate location related information during vehicle traveling, by determining user's longitude, latitude, and transmitting the determined location data with user's preferred request to central database processor.

Regarding **claim 66**, Salimando teaches (d) receiving position signal (longitude, latitude), (d) processing the position signals to determine the present position information indicative of a present position of the mobile communication device (the determining the mobile user's location in col. 4, line 64 to col. 5, line 3, the remote user's geographic location is determined by GPS in col. 2, lines 40-44; at the caller station 10, the caller determines the position of the vehicle he occupies in col. 3, lines 15-27).

Regarding **claim 67**, Ben-Yehezkel teaches the receiving at wireless signal from subscriber unit 110/118-125, the position information and Salimando teaches the present GPS position information comprising position signals, longitude, latitude.

Regarding **claims 69**, Ben-Yehezkel teaches a method of receiving position related information (the location based information service in title, the services are provided for, such as traffic report, electronic yellow page, roadside assistance, list of points of interest in col. 3, line 59 to col. 4, line 34) via a mobile communication device (subscriber 11-/120-125, Fig. 1) comprising (a) supplying a selection signal indicative of a topic of interest to the mobile communication device (the user may request the closest point of interest from the current location in col. 4, lines 14-16; the user may select a category or sub-category and then request the closest location in col. 4, lines 21-24; the information service requesting for a quickest way to travel from present location to another location in col. 8, lines 14-25), (b)

sending the selection signal over a bi-directional wireless link from the mobile communication device (the subscriber unit communicates with TMIS via wireless network 128, col. 5, lines 14-35; the transmitting from subscriber unit of an information service request and a location signal, abstract, col. 7, lines 45-50; col. 10, lines 29-32); and (c) receiving over the bi-directional wireless link position related information that is a function of the present position information of the mobile communication device and the selected signal (subscriber unit access with TMIS via wireless network 128 for location based information service in col. 5, lines 14-43, Fig. 2; the location based information services, in col. 1, lines 7-11, is a function of present location for providing requested information service; the information processor 150 generates information service messages based on the location of the subscriber unit 110 in col. 5, lines 59-65; the retrieving of database information for user request based on the current subscriber unit location, and transmitting information service message to subscriber unit on forward channel in col. 11, lines 39-58). Ben-Yehezkel does not clearly teach of the sending of present position information of the mobile communication device for location related information service. However, Salimando teaches this claimed features for a remote caller in a mobile vehicle requesting location related information service, having the mobile vehicle determines its location, longitude and latitude and mobile vehicle transmits caller's location and service requirements wirelessly to a remote directory station for obtaining locations, telephone number, of service providers in the area of the caller (abstract, Fig. 1, gas, food, road-side assistance travel directions in Fig. 2; col. 2, lines 56-67), the remote user's geographic location is determined by GPS (col. 2, lines 40-44; at the caller station 10, the caller determines the position of the vehicle he

occupies in col. 3, lines 15-27), the transmitting mobile user's geographic location and user's preference for goods or service to information processor and to database (col. 4, lines 45-50), the determining the mobile user's location (col. 4, line 64 to col. 5, line 3), the examples of location information services (col. 3, line 48 to col. 4, lines 24). Salimando teaches the improved technique for efficiently providing user's location service information by transmitting determined mobile user's location with user's preference request to central database processor for efficiently providing roadside assistance information of a closest service provider to user (col. 1, lines 11-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel and to include Salimando's determining of the present mobile user's location and transmitting the determined location with user's preference request of location related information service, such that the user could efficiently obtain the desperate location related information during vehicle traveling, by determining user's longitude, latitude, and transmitting the determined location data with user's preferred request to central database processor.

Regarding **claims 70**, Ben-Yehezkel teaches a mobile communication device for use by a mobile user (subscriber unit 110/120-125 of subscriber 110 in Fig. 1) comprising means for establishing a bi-directional wireless link (subscriber unit communicates with TMIS of the Teletrac network via wireless network 128 for location based information service in col. 5, lines 14-43, Fig. 2); means for sending present position information of the mobile communication device over a bi-directional wireless link (the transmitting a location signal and an information service request in abstract, col. 7, lines 45-50; col. 10, lines 29-32; the subscriber unit communicates with TMIS of the Teletrac network via wireless network 128

for location based information service in col. 5, lines 14-43, Fig. 2); means for receiving positional related information that is a function of the present position information and at least one user selected topic of interest (the location based information services, in col. 1, lines 7-11, is a function of present location for providing requested information service; the information processor 150 generates information service messages based on the location of the subscriber unit 110 in col. 5, lines 59-65; the retrieving of database information for user request based on the current subscriber unit location in col. 11, lines 39-58); and output means for providing the position related information to mobile user (transmitting information service message to subscriber unit on forward channel in col. 11, lines 54-58).

Ben-Yehezkel does not clearly teach of the sending of present position information of the mobile communication device for location related information service. However, Salimando teaches this claimed features for a remote caller in a mobile vehicle requesting location related information service, having the mobile vehicle determines its location, longitude and latitude and mobile vehicle transmits caller's location and service requirements wirelessly to a remote directory station for obtaining locations, telephone number, of service providers in the area of the caller (abstract, Fig. 1, gas, food, road-side assistance travel directions in Fig. 2; col. 2, lines 56-67), the remote user's geographic location is determined by GPS (col. 2, lines 40-44; at the caller station 10, the caller determines the position of the vehicle he occupies in col. 3, lines 15-27), the transmitting mobile user's geographic location and user's preference for goods or service to information processor and to database (col. 4, lines 45-50), the determining the mobile user's location (col. 4, line 64 to col. 5, line 3), the examples of location information services (col. 3, line 48 to col. 4, lines 24). Salimando teaches the

improved technique for efficiently providing user's location service information by transmitting determined mobile user's location with user's preference request to central database processor for efficiently providing roadside assistance information of a closest service provider to user (col. 1, lines 11-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel and to include Salimando's determining of the present mobile user's location and transmitting the determined location with user's preference request of location related information service, such that the user could efficiently obtain the desperate location related information during vehicle traveling, by determining user's longitude, latitude, and transmitting the determined location data with user's preferred request to central database processor.

Regarding **claim 72**, Ben-Yehezkel taught in claim 70 above, a receiver configured to receive position signals (the receiver at receive sites (108, Fig. 1), a processor couple to the receiver and responsive to the position signals to determine the present position information indicative of a present position of the mobile device (the transmitting of a location signal from the subscriber unit ot at least the receiving sites in the defined time slot for locating the subscriber unit from the time difference of arrival of the location signal, col. 2, lines 53-58).

Regarding **claim 74**, Salimando teaches the present position information comprising position coordinates, longitude, latitude.

Regarding **claims 75, 76**, Ben-Yehezkel in claims 3 above for the input device; the indicative of the user selected topic; the means for sending the selection signal over bi-directional link; the position related information is function of the selection signal.

Regarding **claim 77**, Ben-Yehezkel taught in claim 70 above, the user selected topic of interest is selected from a plurality of topics of interest (the user can select from the sub-category, the traffic report, the yellow page, the roadside assistance, the medical alert, col. 4, lines 1-34).

Regarding **claim 78**, Ben-Yehezkel taught the analog wireless telephone (118).

Regarding **claims 80, 81**, referring to Ben-Yehezkel in claim 18 above for the laptop computing device, and portable computing device.

Regarding **claim 86**, Ben-Yehezkel taught above the bi-directional wireless communications link an emergency response request destined for an emergency response system (col. 4, lines 4-9).

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel in view of Salimando, as applied to claim 8 above, and further in view of Khamis et al. (US 5,930,729).

Ben-Yehezkel and Salimando do not clearly teach the DTMF.

Regarding **claim 9**, Khamis teaches a dual tone multiple frequency DTMF generator 161 (Fig. 4B) responsive to the alphanumeric entry to supply a DTMF selection signal to said modulator/demodulator (mixer 155, the demodulator mixer amp 182, in Fig. 4B). Khamis teaches DTMF conversion for the cellular phone, such that the system can be upgraded by efficiently using the available DTMF for encoding/decoding the alphanumeric input. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel above, and to include Khamis' DTMF generator for

encoding/decoding, such that the system could be upgraded for encoding/decoding the alphanumeric input. Regarding the amended portion for means for sending, referring to Orlen above.

Regarding **claims 10, 11,** Khamis teaches the microphone coupled to the modulator (Fig. 8) for transmitting audio signal to the server, and the microphone input. Regarding the amended portion in claim 10, Ben-Yehezkel teaches the means for sending, and the bi-directional wireless link.

5. Claims 12-14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel in view of Salimando, Khamis, as applied to claim 10 above, and further in view of Morimura et al. (US 5,438,695).

Orlen, Ben-Yehezkel, Khamis do not teach the microphone isolation circuit.

Regarding **claim 12**, Morimura teaches the microphone isolation circuit configured to disconnect an output of said microphone from said mod./demod. during reception (the cellular telephone used in the transceiver on/off operation having the microphone switch 16, ear receiver switch 15, for controlling (Fig. 3, steps 155, 157) the audio from microphone 18, to ear receiver 17 (speaker), to avoid the disruption to the ongoing voice conversation during the battery change. Morimura teaches a switch control for the microphone/ear speaker to the cellular communication device, such that the system can provide better voice transmission/ receiving control, alike the regular push-to-talk device, the voice signal could avoid the interruption due to the transmission, receiving operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel

above, and to include Morimura's switches 16/15 for controlling microphone/ear speaker, such that the voice signal could avoid the interruption due to the transmission, receiving operation.Regarding the reception of the position related information, referring to claim 3 above.Regarding the amended portion for means for sending, referring to Tendler above.

Regarding **claim 13,** Morimura teaches the speaker 17 for the audio output.

Regarding **claim 14**, Morimura teaches the speaker isolation circuit (switch 15 for ear receiver-speaker to isolate the speaker 17 from emanating).

Regarding **claim 16,** Ben-Yehezkel teaches the mobile communication device is an analog wireless telephone (cell phone 118, Fig. 1).

6. Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel in view of Salimando, as applied to claim 3 above, and further in view of Delorme et al. (US 5,802,492).

Regarding **claim 17,** Delorme et al. (Delorme) teaches the PDA of the digital wireless telephone (col. 12, lines 62-65). Delorme also teaches the input from the keyboard 110, col. 12, line 33; for the computer aided routing and positioning system, col. 12, lines 22-41; col. 12, line 60 to col. 13, line 4. The position related information, point-of-interest POI, displayed on screen is for user to select the POI in abstract, Fig. 1b-1D; col. 15, lines 61-67; col. 16, lines 26-30; col. 16, lines 44) using GPS system (col. 5, line 9; col. 12, line 37) for obtaining the current vehicle position (abstract). Beside, Delorme's input device could be the voice recognition system (col. 12, lines 57-60). Delorme's point-of-interest information for the current vehicle position could be the restaurants, hotel, cities, municipalities, airport,

hospital, zoos, museums (col. 8, lines 13-21), and the computer could be portable laptop, or personal digital assistant PDA (col. 12, line 57 to col. 13, line 4). Delorme also teaches the driver in the vehicle on the road for browse the position related information for restaurant in Seattle (col. 17, line 66 to col. 18, line 9). Delorme teaches the retrieved menu from system is displayed for user to select the POI using buttons (Fig. 1B-1D, col. 16, lines 24-44). The position related information is a function of the vehicle current position for a restaurant in Seattle. Delorme teaches the input device to allow user to select the POI for the received menu, such that the system could be upgraded to allow user to select the desire point-of-interest based on the current vehicle location. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel above, and to include Delorme's input keypad/button and POI selection for the received menu, such that system could be upgraded to allow user to select the point-of-interest based on the current location.

Regarding **claim 18**, Ben-Yehezkel teaches the laptop computer (portable computer 120, col. 6, lines 59-67).

Regarding **claims 19, 20, 21, 22,** Delorme teaches in col. 6, lines 10-19, the received point of interest information could be audio, text, image, video signal.

Regarding **claim 23**, Ben-Yehezkel taught above the emergency service such as roadside assistance, medical alert (col. 4, lines 4-9).

7. Claims 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alesio in view of further in view of Emmons (US 5,703,598).

Regarding **claim 49**, Emmons teaches the enabling, disabling the position reporting, the position reporting enabling unit is an enable/disable switch (the timer 24 for controlling the switch circuit for enabling/disabling of the GPS receiver/transmitter for transmitting current location for the stolen vehicle or other property, abstract, front figure, col. 1, lines 4-10). Emmons considers the GPS transmitter is disabled by timer, but may be enabled by a subsequent signal from the central station with for additional period of time (col. 1, lines 58-63). Emmons teaches the timer for automatic controlling of the GPS receiver/transmitter, such that the system could be upgraded with the automatic timer control for enabling/ disabling of the GPS receiver/transmitter with efficiency. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Alesio above, and to include Emmons' timer 24/switch 22 for automatic controlling of the GPS receiver/transmitter, such that that the system could be upgraded with the automatic timer control for enabling/disabling of the GPS receiver/transmitter with efficiency.

Regarding the amended portion, an enable/disable switch on the mobile comm. device, Referring to Alesio in claim 48 above.

Regarding **claim 50,** Alesio teaches the periodically determining, the refresh interval (the monitoring unit 108 periodically determines the current position of the vehicle 102, col. 4, lines 6-10, col. 4, lines 54-59, col. 5, lines 26-31).

Regarding **claim 51**, Emmons has taught above the position reporting could be also enabled by central station to reset, override the refresh interval, as shown above, the central station could enable the GPS receiver/transmitter by a subsequent signal for additional period of time, as a reset override interval (col. 1, lines 58-63).

Regarding **claim 52**, Emmons has taught the GPS receiver.

Regarding **claim 53**, Alesio teaches in claim 48 above the selectively enables and disables the transmission of the position information based upon mobile user of the remote transmitter 106 or mechanical switch.

8. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alesio in view of in view of Smith, Jr. et al. (US 5,774,827).

Alesio does not clearly teach the transmitting, receiving, the communication signal, from/to, user interface.

Regarding **claim 54**, Smith teaches the portable device 12 (figure in cover page, abstract) transmitting its current position information, for obtaining the current traffic information at different location such that the user could choose, select, the system responded information 3 options (Fig. 2, the 35 minutes, 42 minutes, 25 minute) for selecting the commuter travel route path provided by the system. The user interface is shown in Fig. 2, item 16 for displaying the selection list of three different transit time information (Fig. 1-4, col. 2, lines 8-27; col. 2, line 55 to col. 3, line 9; col. 3, lines 36-48; col. 4, lines 33-37). Thus, it is obvious Smith teaches the transmitting, receiving, from the modulator/demodulator of the portable 12 with the user's selection of the commute time (35 min., 42 min. 25 min.) and user interface for displaying the received communication signals for the commuter route path (Fig. 3) to user via display 42. Smith teaches a user interface to select the commute time for transmitting, and receiving the commute route path displayed on the display 42, based on the position and current traffic information, such that the user can communicate with system via

the user interface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Alesio, and to include Smith's user interface to select the commute time for transmitting, and the receiving the commuter path route displayed on the display 42, based on the position and current traffic information, such that the user could communicate with system using the user interface.

9. Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel in view of Salimando, as applied to claim 3 above, and further in view of Emmons.

Regarding **claim 56**, referring to Emmons above for the receiver is a GPS receiver in [0023] and [0025], using the same obvious reasoning from Emmons above for combining the claimed features to modified Ben-Yehezkel above.

Regarding **claim 57**, Ben-Yehezkel taught above for the latitude, longitude coordinates.

11. Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel in view of Salimando, Emmons, as applied to claim 55 above, and further in view of Wang et al. (US 5,365,451)

Ben-Yehezkel, Salimando, Emmons do not clearly teach the details of periodically update in the network.

Regarding **claim 58**, Wang et al. (Wang) teaches the processor periodically determines the position information from position signals received (abstract, Fig. 1-9) by said receiver (receiver in mobile 16, Fig. 2) and said modulator/demodulator periodically transmits the position information to the server (the mobile unit determine their current locations from

GPS satellite, front figure, Fig. 1, abstract; the repetitively determine their current location in a regular schedule; the update location data maintain in the network, in abstract; col. 1, lines 9-12; col. 9, line 54 to col. 10, line 5). The comparing time stamp and transmit current location (Fig. 6, steps 102, 104, 79). Wang teaches the repetitively updating and determining the current position and update the position information maintain in the network, such that the system could maintain the most updated position information for providing the efficient service. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel above, and to include Wang's determining current position, and update the position information maintain in the network, such that system could maintained the most updated position information for providing the efficient service.

Regarding **claim 59**, referring to examiner's comment in claim 58 above for the periodically update with a refresh interval using Wang's time stamp step 102, 104.

10. Claims 60-61, 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Ben-Yehezkel in view of Salimando, as applied to claim 3 above, and further in view of Wang-'451.

Regarding **claim 60**, Salimado taught above for a receiver in mobile vehicle for receiving longitude, latitude, information from GPS for the present position information comprising position signals, longitude, latitude.

Regarding **claim 61**, Salimando taught above for the output means for providing the position related information to mobile user from GPS.

Regarding **claims 63, 64**, Ben-Yehezkel teaches the laptop computer (portable computer 120, col. 6, lines 59-67).

11. Claims 62, 71, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben- Ben-Yehezkel in view of Salimando, and further in view of Alesio.

Regarding **claim 62**, Alesio taught above in claim 48 for a position reporting enabling unit configured to selectively enable and disable transmission of the position information which mobile device is operational, using the same obviousness for the reason of combing Alesio to Ben-Yehezkel as modified by Salimando.

Regarding **claim 71**, Alesio taught in clam 48 above for a position reporting enabling unit configured to selectively enable and disable transmission of the position information while mobile communication device is operational. Alesio teaches the monitoring of vehicle location periodically with improved technique having GPS satellite for accurate position information of the current position of the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ben-Yehezkel, and to include Alesio's accurate vehicle current position information, such that the system could provide accurate location based information to user.

Regarding **claim 73**, Alesio taught the GPS receiver 208 (Fig. 2, col. 5, lines 1-10).

12. Claims 79, 82-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Yehezkel in view of Salimando, and further in view of Delorme.

Regarding **claim 79**, referring to Delorme claim 17 above, using the same obvious reasoning from Delorme for combining, for the claimed features for the digital wireless telephone.

Regarding **claim 82**, referring to Delorme in claim 19 for the position related information including of the audio signals.

Regarding **claim 83**, referring to Delorme in claim 20 for the position related information including of the text signal.

Regarding **claim 84**, referring to Delorme in claim 21 for the position related information including of the image signals

Regarding **claim 85**, referring to Delorme in claim 22 for the position related information including of video signals.

Response to Arguments

13. Applicant's arguments with respect to claims 3-4, 8-14, 16-23, 48-86 have been considered but are moot in view of the new ground(s) of rejection.

Inventor's Emailed letter, May 21, 2004, for clarifying the meaning of claimed features in claim 3, has been considered.

Regarding applicant's argument and telephone interview (5/18/2004) based on the no teachings for sending present position information of mobile communication device, the ground of rejection has been changed by removing Orlen, and including Ben-Yhezkel et al. (US 6,049,711) and Salimando (US 5,561,704).

Ben-Yhezkel teaches the method, apparatus, and system for providing location based information services, by transmitting an information service request and a location signal from the subscriber unit 110, to Telerac network 104 for requesting location based information service, such as nearest gasoline station, traffic reports, roadside assistance (abstract, Fig. 1-3, col. 1, lines 7-11; col. 3, line 59 to col. 4, line 33; col. 5, lines 32-35; col. 7, lines 41-52; col. 7, lines 63-30).

Salimando teaches the determining of the present position information and transmitting the present position information with user preference request for location related information, the remote caller in a mobile vehicle requesting location related information service, having the mobile vehicle determines its location, longitude and latitude and mobile vehicle transmits caller's location and service requirements wirelessly to a remote directory station for obtaining locations, telephone number, of service providers in the area of the caller (abstract, Fig. 1, gas, food, road-side assistance travel directions in Fig. 2; col. 2, lines 56-67), the remote user's geographic location is determined by GPS (col. 2, lines 40-44; at the caller station 10, the caller determines the position of the vehicle he occupies in col. 3, lines 15-27), the transmitting mobile user's geographic location and user's preference for goods or service to information processor, database (col. 4, lines 45-50), the determining the mobile user's location (col. 4, line 64 to col. 5, line 3), the examples of location information services (col. 3, line 48 to col. 4, lines 24).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow C.C.

May 18, 2004.

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600